



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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May 22, 2025

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully in response to the Court’s order dated May 7, 2025 (ECF No. 219) (and the Court’s order provided by electronic mail on May 22, 2025, granting a one-day extension), directing the parties to provide a further joint status report on the pending issue of attorney’s fees in this matter. We also write to jointly request a further extension of the briefing deadlines in this matter.

Since the parties’ last report on May 6, 2025 (ECF No. 218), Defendants have made additional progress with respect to securing approvals of a fully drafted settlement stipulation. In the context of confidential settlement discussions pursuant to Federal Rule of Evidence 408, the undersigned has provided additional detail to Plaintiffs’ counsel regarding the precise status of these efforts, the current efforts being undertaken by the undersigned to secure the outstanding approvals, and our estimate of the time required to elevate this process.

As previously reported, the parties continue to communicate and work together in good faith to hopefully avert the need to seek the Court’s adjudication of a fees motion, and believe that their current efforts represent the most efficient path to resolution. Mindful of the schedule set by the Court for motion practice, the parties jointly and respectfully ask the Court for a further adjournment of these deadlines, and propose that Plaintiffs file any motion for attorney’s fees, if necessary, no later than July 11, 2025, and that Defendants’ response be filed no later than July 18, 2025.

The parties thank the Court for its consideration of this matter.

Respectfully,

JAY CLAYTON
United States Attorney for the
Southern District of New York
Attorney for Defendants

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